

SCHEDULES

SCHEDULE 3

Section 20.

DISQUALIFICATION FROM BEING APPOINTED OR SERVING AS THE COMMISSIONER

1. The following persons are disqualified from being appointed or serving as the Commissioner—

- (a) a member of the Assembly;
- (b) a family member of a member of the Assembly;
- (c) a candidate for election to the Assembly;
- (d) a person who has been a member of the Assembly at any time in the 5 years prior to the date when the appointment is to take effect;
- (e) a member of the European Parliament, the House of Commons, the House of Lords, the Scottish Parliament, the National Assembly for Wales, Dáil Éireann (House of Representatives of Ireland) or the Seanad Éireann (Senate of Ireland);
- (f) a person who has been a member of the European Parliament, the House of Commons, the House of Lords, the Scottish Parliament, the National Assembly for Wales, Dáil Éireann (House of Representatives of Ireland) or the Seanad Éireann (Senate of Ireland) at any time in the 5 years prior to the date when the appointment is to take effect;
- (g) a councillor;
- (h) a person who has been a councillor at any time in the 5 years prior to the date when the appointment is to take effect;
- (i) a person employed by a political party;
- (j) a person who has been employed by a political party at any time in the 5 years prior to the date when the appointment is to take effect;
- (k) a person employed by a member of the Assembly;
- (l) a person who at any time in the 5 years prior to the date when the appointment is to take effect has been employed by a member of the Assembly;
- (m) a member of the staff of the Assembly;
- (n) a person who has been a member of the staff of the Assembly at any time in the two years prior to the date when the appointment is to take effect;

- (o) a person employed by a district council;
- (p) a person who has been employed by a district council at any time in the two years prior to the date when the appointment is to take effect;
- (q) a person employed by a Northern Ireland department;
- (r) a person who has been employed by a Northern Ireland department at any time in the two years prior to the date when the appointment is to take effect;
- (s) the Attorney General for Northern Ireland; and
- (t) a person who has been the Attorney General for Northern Ireland at any time in the 5 years prior to the date when the appointment is to take effect.

2. For the purposes of paragraph 1(c), a person becomes a candidate for election to the Assembly on the day on which that person becomes a candidate within the meaning of section 118A(1) and (2) of the [Representation of the People Act 1983 \(c. 2\)](#) as applied to the Assembly by Article 3 of the [Northern Ireland Assembly \(Elections\) Order 2001 \(SI 2001/2599\)](#).

3. In this Schedule—

“civil partner” has the same meaning as in section 1 of the [Civil Partnership Act 2004 \(c. 33\)](#);

“cohabitant” means either member of a couple consisting of—

- (a) a man and woman who are living together as if they were husband and wife; or
- (b) two persons of the same sex who are living together as if they were civil partners;

“councillor” means a member of a district council;

“family member” means—

- (a) parent, child, grandparent or grandchild;
- (b) brother, sister, uncle, aunt, nephew or niece (whether of the full or half blood);
- (c) spouse or any person related to a spouse in any of the ways set out in subparagraphs (a) or (b);
- (d) civil partner or any person related to a civil partner in any of the ways set out in sub-paragraphs (a) or (b); and
- (e) cohabitant or any person related to a cohabitant in any of the ways set out in sub-paragraphs (a) or (b); and

“political party” means a party registered under Part 2 of the [Political Parties, Elections and Referendums Act 2000 \(c. 41\)](#).